

Message Text

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ORIGIN EB-11

INFO OCT-01 EA-11 IO-14 ISO-00 AGR-20 CIAE-00 COME-00

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TO AMCONSUL HONG KONG PRIORITY

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E.O. 11652: GDS

TAGS: ETRD, HK, SZ

SUBJECT: US/HK NEW BILATERAL TEXTILE AGREEMENT

REF: HONG KONG 9260

MINISTER JURICH FROM PHELAN

GENEVA FOR PHELAN AND TSB FILE

1. AS INDICATED IN REFTEL SUBJECT, US/HK BILATERAL IS IN FACT "NEW BILATERAL". IT IS ALSO FACT THAT NEW BILATERAL CAME INTO BEING IN RESPONSE TO REQUIREMENTS OF MFA ARTICLE 2, PARA 2(II).

2. TSB HAS TACITLY ACCEPTED THESIS THAT PRIMARY RESPONSIBILITY FOR NOTIFYING NEW BILATERAL RESTS WITH "RESTRANING COUNTRY"; IN THIS CASE HONG KONG, SINCE IT IS APPLYING EXPORT RESTRAINTS. TSB, HOWEVER, HAS ALSO AC-
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CEPTED THESIS THAT NOTIFICATION BY BOTH PARTIES TO A

BILATERAL IS ALSO ACCEPTABLE. THUS, WOULD BE INCLINED TO AGREE WITH MILLS' VIEW THAT BOTH PARTIES MAY NOTIFY IF THEY SO DESIRE.

3. TEND ALSO TO AGREE WITH YOU THAT THERE SHOULD BE SOME REFERENCE IN NOTIFICATION TO ART 2, PARA 2(II). IN IN-FORMAL CONSULTATIONS WITH TSB COLLEAGUES IN JULY, THERE APPEARED BE CONSENSUS THAT SOME STANDARD NOTIFICATION LANGUAGE (FORMAT) MAKING APPROPRIATE REFERENCES TO APPLICABLE MFA PROVISIONS SHOULD BE DEVELOPED. BELIEVE THIS SUBJECT WILL BE DISCUSSED SEPTEMBER TSB MEETING.

4. SINCE UNDER PROVISIONS MFA ART. 4, PARA 4, WE NEED NOT NOTIFY THIS BILATERAL UNTIL OCTOBER 31, SUGGEST WE AWAIT OUTCOME TSB DISCUSSION (PARA 3 ABOVE) AND PHELAN'S FURTHER DISCUSSION WITH DORWARD RE TIMING OF NOTIFICATION AND LANGUAGE OF TRANSMITTAL (TO TSB) NOTE. INGERSOLL

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